

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL KANE, et al,

Plaintiffs,

- against -

21-CV-7863 (VEC) (Lead Case)

BILL DE BLASIO, et al.,

Defendants.

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MATTHEW KEIL, et al.

Plaintiffs,

- against -

21-CV-8773 (VEC)

THE CITY OF NEW YORK, et al.,

Defendants

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**NOTICE OF MOTION TO DISMISS THE CONSOLIDATED  
CLASS ACTION [AMENDED] COMPLAINT**

**PLEASE TAKE NOTICE** that, upon the annexed declaration of Lora Minicucci dated February 14, 2022, the accompanying memorandum of law also dated February 14, 2022, and upon all prior pleadings and proceedings heretofore had herein, defendants in the above-referenced cases will move this Court, before the Honorable Valerie E. Caproni, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, New York 10007, for an order, (a) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint (Dkt. 102) in its entirety with prejudice because it fails to state a claim upon which relief can be granted, and (b) granting defendants such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's January 18, 2022 Order (Dkt. 105), answering papers, if any, shall be served upon the undersigned at by March 16, 2022, and any reply papers shall be served by April 1, 2022.

Dated: New York, New York  
February 14, 2022

**GEORGIA M. PESTANA**  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street  
New York, New York 10007-2601  
(212) 356-2078

By: /s/ Lora Minicucci  
**LORA MINICUCCI**  
Assistant Corporation Counsel  
lminicuc@law.nyc.gov